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May 19, 2004

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TWB-204  
Washington, DC 20554

Re: Notice of Oral Ex Parte Communication, In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket Nos. 01-338, 96-98 and 98-147; Petition for Forbearance of Sections 251(c)(3), (c)(4) and (c)(6) in New Build, Multi-Premises Developments, WC Docket No. 03-220

Dear Ms. Dortch:

Yesterday, Bob Quinn and the undersigned, representing AT&T, met with Jessica Rosenworcel, Legal Advisor to Commissioner Michael Copps. The purpose of the meeting was to discuss AT&T's position on the Bell requests to the Commission to either clarify or forbear from its unbundling rules with respect to fiber loops serving multi-unit buildings. We explained how these arguments were simply an attempt by the Bells to extend to other loop arrangements the regulatory relief that the Commission found appropriate only for greenfield mass market FTTH deployments. All our comments were consistent with AT&T's written comments as filed in the above-referenced proceedings.

Consistent with Commission rules, I am filing one electronic copy of this notice and request that you place it in the record of the above-referenced proceedings.

Sincerely,

A handwritten signature in black ink, appearing to be "Joan Marsh", with a long horizontal line extending to the right.

Joan Marsh

cc: Jessica Rosenworcel

## THE TRIENNIAL REVIEW ORDER

### DEFINITIONS:

Greenfield: loop facilities to a previously unserved customer premises. All facilities between the Central Office and the customer premises must be new build fiber facilities. Key premise to the relief was the level playing field that exists with new builds/new facilities where provider is sought via open RFP process.

Brownfield: overbuild deployment in which an ILEC constructs fiber transmission facilities parallel to or in replacement of existing copper plant. May be FTTH, FTTC or fiber to a remote terminal.

Mass Market loops: DS0 analog loops serving residential and small business customers.

Enterprise loops: High capacity loops capable of delivering services at 1.54 Mbps and above.

<p><b>MASS MARKET / <i>GREENFIELD</i></b></p> <p>Broad Relief Granted for FTTH:</p> <ul style="list-style-type: none"><li>- no unbundling</li></ul> <p>*****</p> <p>For hybrid Fiber/Copper loops:</p> <ul style="list-style-type: none"><li>- no packet technology unbundling</li><li>BUT</li><li>- copper maintenance rules</li><li>- copper loop and subloop unbundling</li><li>- 64K voice channel</li></ul>	<p><b>MASS MARKET / <i>BROWNFIELD</i></b></p> <p>If premises previously served, no finding of a level playing field thus no broad relief</p> <p>If fiber of any increment is deployed in the loop:</p> <ul style="list-style-type: none"><li>- no packet technology unbundling</li><li>BUT</li><li>- copper maintenance rules</li><li>- copper loop and subloop unbundling</li><li>- 64K voice channel</li></ul>
<p><b><u>ENTERPRISE</u> / <i>GREENFIELD</i></b></p> <p>No relevant 706 implications/analysis No fiber-based unbundling exclusions, even in a greenfield</p> <p>Facilities must be unbundled</p> <ul style="list-style-type: none"><li>-- regardless of technology</li><li>-- regardless of customer served</li></ul> <p>THE ONLY LIMIT IS A FINDING OF NON-IMPAIRMENT IN A STATE PROCEEDING</p>	<p><b><u>ENTERPRISE</u> / <i>BROWNFIELD</i></b></p> <p>Facilities must be unbundled</p> <ul style="list-style-type: none"><li>-- regardless of technology</li><li>-- regardless of customer served</li></ul> <p>THE ONLY LIMIT IS A FINDING OF NON-IMPAIRMENT IN A STATE PROCEEDING</p>